

IN THE SUPREME COURT OF THE STATE OF NEVADA

MIGUEL GOMEZ-GOMEZ,
Appellant,
vs.
THE STATE OF NEVADA,
Respondent.

No. 46468

FILED

APR 21 2006

ORDER OF AFFIRMANCE

JANETTE M. BLOOM
CLERK OF SUPREME COURT
BY *J. Richards*
CHIEF DEPUTY CLERK

This is an appeal from a district court order denying appellant's post-conviction petition for a writ of habeas corpus. Second Judicial District Court, Washoe County; Connie J. Steinheimer, Judge.

Appellant Miguel Gomez-Gomez was convicted, pursuant to a guilty plea, of two counts of trafficking in a controlled substance and one count of conspiracy to commit the crime of trafficking in a controlled substance. The district court sentenced Gomez to serve two concurrent prison terms of 10 to 25 years for the trafficking counts and one concurrent prison term of 12 to 36 months for the conspiracy count. Gomez filed a direct appeal, and this court affirmed the judgment of conviction.¹

On June 5, 2003, Gomez filed a proper person post-conviction petition for a writ of habeas corpus. The State opposed the petition. The district court appointed counsel, and counsel filed a supplement to Gomez's petition. After conducting an evidentiary hearing, the district court denied the petition.

¹Gomez-Gomez v. State, Docket No. 40548 (March 3, 2003, Order of Affirmance).

Gomez contends that the district court erred in denying his petition because his defense counsel was ineffective and his guilty plea was unknowing and involuntary. Specifically, Gomez contends that defense counsel was ineffective for failing to (1) allege that the criminal convictions were redundant; (2) challenge the constitutionality of NRS 453.3385 and NRS 453.3405 based on Apprendi v. New Jersey;² (3) recommend that Gomez accept a plea offer of 3 to 5 years; and (4) utilize a spanish-language interpreter to communicate with him. Additionally, Gomez contends that his guilty plea was not knowing because he misunderstood the potential sentence.

After conducting an evidentiary hearing, the district court found that trial counsel was not ineffective, under the standard set forth in Strickland v. Washington.³ The district court also found that Gomez entered a knowing and voluntary guilty plea. The district court's factual findings are entitled to deference when reviewed on appeal.⁴ Gomez has failed to demonstrate that the district court's findings were not supported by substantial evidence or were clearly wrong.⁵ Moreover, Gomez has failed to demonstrate that the district court erred as a matter of law.⁶

²530 U.S. 466, 476 (2000).

³466 U.S. 668 (1984).


⁴See Riley v. State, 110 Nev. 638, 647, 878 P.2d 272, 278 (1994); Hubbard v. State, 110 Nev. 671, 675, 877 P.2d 519, 521 (1994).

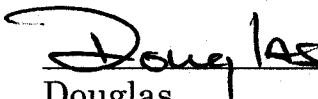
⁵See Riley, 110 Nev. at 647, 878 P.2d at 278; see also Hubbard, 110 Nev. at 675, 877 P.2d at 521.

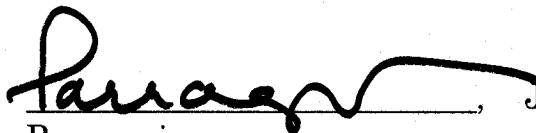
⁶See Riley, 110 Nev. at 675, 877 P.2d at 521.

Having considered Gomez's contentions and concluded that they lack merit, we

ORDER the judgment of the district court AFFIRMED.


_____, C.J.
Rose


_____, J.
Douglas


_____, J.
Parraguirre

cc: Hon. Connie J. Steinheimer, District Judge
Karla K. Butko
Attorney General George Chanos/Carson City
Washoe County District Attorney Richard A. Gammick
Washoe District Court Clerk